



Request VI-82(C) Quartz Timed Traffic Signal

On page 79, Section 6F-8c. Temporary Traffic Signals
Revise the last paragraph to read as follows:

One-way traffic flow requires an all-red interval of sufficient duration for traffic to clear the portion of the temporary control zone controlled by traffic signals. ~~To avoid the display of conflicting signals at each end of the temporary traffic control zone, traffic signals shall be either hard wired or controlled by radio signals.~~ Safeguards shall be incorporated to avoid the display of conflicting signals at each end of the temporary traffic control zone.

TEXT CHANGE TO THE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES
DISCUSSED IN INTERIM FINAL RULE DOCKET NO. 94-33

(SEE ATTACHED FEDERAL REGISTER)

that were inadvertently excluded by an earlier revision to Part VI. The MUTCD is recognized as the national standard for traffic control on all public roads. Public comments are invited on this action.

DATES: This interim final rule is effective January 4, 1995.

Comments must be submitted on or before March 6, 1995.

Incorporation by reference of the publications listed in the regulations is approved by the Director of the Federal Register as of January 4, 1995.

ADDRESSES: Submit written, signed comments to FHWA Docket No. 94-33, Federal Highway Administration, Office of the Chief Counsel, room 4232, HCC-10, 400 Seventh Street, SW., Washington, DC 20590. All comments received will be available for examination at the above address between 8:30 a.m. and 3:30 p.m., e.t., Monday through Friday except Federal holidays. Those desiring notification of receipt of comments must include a self-addressed, stamped postcard.

FOR FURTHER INFORMATION CONTACT: Mr. Michael E. Robinson, Office of Highway Safety, (202) 366-0411, or Mr. Wilbert Baccus, Office of Chief Counsel, (202) 366-0780, Federal Highway Administration, 400 Seventh Street, SW., room 3419, Washington, DC 20590. Office hours are from 7:45 a.m. to 4:15 p.m., e.t., except Federal holidays.

SUPPLEMENTARY INFORMATION: The MUTCD is available for inspection and copying as prescribed in 49 CFR Part 7, appendix D. Part VI of the MUTCD may be purchased for \$16.00 from the Superintendent of Documents, U. S. Government Printing Office, Washington, DC 20402, Stock No. 050-001-00516-3.

The FHWA both receives and initiates requests for amendments to the MUTCD. Each request is assigned an identification number which indicates, by Roman numeral, the organizational part of the MUTCD affected and, by Arabic numeral, the order in which the request was received (e.g., Request VIII-9).

This amendment contains corrections to Part VI of the MUTCD, Standards and Guides for Traffic Control for Street and Highway Construction, Maintenance, Utility, and Incident Management Operations. Part VI sets forth principles and prescribes standards for temporary traffic control zone operations on streets and highways in the United States. Also, part VI addresses the design, administration, and operation of street and highway temporary traffic control plans and projects. Previous **Federal Register** actions regarding changes to

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

23 CFR Part 655

[FHWA Docket No. 94-33]

RIN 2125-AD45

National Standards for Traffic Control Devices; Revision of the Manual on Uniform Traffic Control Devices; Temporary Traffic Signals

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Interim final rule with request for comments.

SUMMARY: This document incorporates by reference an amendment to Part VI of the Manual on Uniform Traffic Control Devices (MUTCD). This amendment is intended to revise the section of the MUTCD concerning temporary traffic signals in order to permit the use of certain temporary signalling devices

part VI are contained in FHWA docket number 89-1, Notice No. 7, published at 58 FR 6508 on December 10, 1993.

The text change resulting from this amendment to the MUTCD has been titled "1988 MUTCD Revision 4, dated November 1, 1994." It will be available from the Government Printing Office (GPO), Superintendent of Documents, Washington, D.C. 20402, (202) 783-3238. Everyone currently appearing on the FHWA, Office of Highway Safety, **Federal Register** mailing list will be sent a copy.

Discussion of Amendment

Part VI of the MUTCD was revised on September 3, 1993, and incorporated by reference in 23 CFR part 655 on December 10, 1993 (58 FR 64085). As revised, the last paragraph in section 6F-8c read:

One-way traffic flow requires an all-red interval of sufficient duration for traffic to clear the portion of the temporary traffic control zone controlled by the traffic signals. To avoid the display of conflicting signals at each end of the temporary traffic control zone, traffic signals shall be either hard-wired or controlled by radio signals.

The FHWA has since learned that the last sentence of the section inadvertently disallowed the use of certain temporary signaling devices now in use. While they employ neither hard-wiring nor radio signals, these devices are considered to be as safe and effective as those devices covered by the September 3, 1993, version of section 6F-8c. In order to allow the use of such devices, the last sentence of the paragraph has been removed and replaced with the following sentence:

Safeguards shall be incorporated to avoid the display of conflicting signals at each end of the temporary traffic control zone.

As revised, the section imposes a performance standard, and not a design standard, on all such devices. This document incorporates the revised Part VI into 23 CFR part 655. With the current emphasis on repairing the Nation's highways and improving safety in temporary traffic control zone areas, an updated and accurate part VI will better serve the highway community.

Rulemaking Analyses and Notices

The Administrative Procedure Act (APA), 5 U.S.C. 551 *et seq.*, allows agencies engaged in rulemaking to dispense with prior notice and opportunity for comment when the agency for good cause finds that such procedures are impracticable, unnecessary, or contrary to the public interest. 5 U.S.C. 553(b)(3)(B).

The FHWA has determined that providing prior notice to the public on

this action would be contrary to the public interest. This action will incorporate by reference into 23 CFR part 655 a revised version of Part VI of the MUTCD. The September 3, 1993, version inadvertently excluded the use of certain safe and effective traffic control devices in highway work zones. This was not the intent of the revision and therefore Part VI is being revised again to allow the use of these devices. Any further delay in revising Part VI would cause undue economic harm to those who manufacture and sell the types of traffic control devices excluded by the September 1993 language of Part VI.

Public comment, however, is solicited on this action. Comments received will be carefully considered in evaluating whether any further changes to this amendment are necessary.

Executive Order 12866 (Regulatory Planning and Review) and DOT Regulatory Policies and Procedures

The FHWA has determined that this document does not constitute a significant regulatory action within the meaning of Executive Order 12866, nor is it significant within the meaning of Department of Transportation regulatory policies and procedures. Although this action will allow the use of alternative signalling devices not permitted under the September 3, 1993, version of Part VI of the MUTCD, the FHWA anticipates that this action will not affect the total number of signalling devices deployed. By permitting public and private entities to choose from a wider array of signalling devices, these entities may be able to make more cost-effective choices in the future. Accordingly, it is anticipated that the overall economic impact of this rulemaking will be minimal, but positive. For these reasons, the FHWA has determined that a full regulatory evaluation is not required.

Regulatory Flexibility Act

In compliance with the Regulatory Flexibility Act (Pub. L. 96-354, 5 U.S.C. 601-612), the FHWA has evaluated the effects of this rule on small entities. This action will allow a few small companies to market signalling devices not allowed under the September 3, 1993, version of Part VI. Based on the evaluation, the FHWA hereby certifies that this action will not have a significant economic impact on a substantial number of small entities. The need to further evaluate economic consequences will be reviewed on the basis of the comments submitted in response to this interim final rule.

Executive Order 12612 (Federalism Assessment)

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and it has been determined that this action does not have sufficient federalism implications to warrant the preparation of a federalism assessment. The MUTCD is incorporated by reference in 23 CFR part 655, subpart F, which requires that changes to the national standards issued by the FHWA shall be adopted by the States or other Federal agencies within two years of issuance. This proposed amendment is in keeping with the Secretary of Transportation's authority under 23 U.S.C. 109(d) and 315 to promulgate uniform guidelines to promote the safe and efficient use of the highway. Therefore, nothing in this document would preempt any State laws, regulations, or requirements.

Executive Order 12372 (Intergovernmental Review)

Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.

Paperwork Reduction Act

This action does not contain a collection of information requirement for purposes of the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.*

National Environmental Policy Act

The agency has analyzed this action for the purpose of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*) and has determined that this action would not have any effect on the quality of the environment.

Regulation Identification Number

A regulation identification number (RIN) is assigned to each regulatory action listed in the Unified Agenda of Federal Regulations. The Regulatory Information Service Center publishes the Unified Agenda in April and October of each year. The RIN contained in the heading of this document can be used to cross reference this action with the Unified Agenda.

List of Subjects in 23 CFR Part 655

Design standards, Grant programs—transportation, Highways and roads, Incorporation by reference, Signs, Traffic regulations.

The FHWA hereby amends chapter I of title 23, Code of Federal Regulations, part 655, as set forth below

PART 655—TRAFFIC OPERATIONS

1. The authority citation for part 655 continues to read as follows:

Authority: 23 U.S.C. 101(a), 104, 105, 109(d), 114(a), 135, 217, 307, 315, and 402(a); 23 CFR 1.32 and 1204.4; and 49 CFR 1.48(b).

Subpart F—[Amended]

2. In § 655.601, paragraph (a) is revised to read as follows:

§ 655.601 Purpose.

* * * * *

(a) Manual on Uniform Traffic Control Devices for Streets and Highways (MUTCD), FHWA, 1988, including Revision No. 1 dated January 17, 1990, Revision No. 2 dated March 17, 1992, Revision No. 3 dated September 3, 1993, and Revision No. 4 dated November 1, 1994. This publication is incorporated by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51 and is on file at the Office of the Federal Register in Washington, DC. The 1988 MUTCD Stock No. 050-001-00308-2 and "1988 MUTCD Revision 3," dated September 3, 1993 (Stock No. 050-001-00316-3), may be purchased from the Superintendent of Documents, U.S. Government Printing Office (GPO), Washington, DC 20402. The amendments to the MUTCD, titled "1988 MUTCD Revision 1," dated January 17, 1990, "1988 MUTCD Revision 2," dated March 17, 1992, and "1988 MUTCD Revision 4," dated November 1, 1994, are available from the Federal Highway Administration, Office of Highway Safety, HHS-21, 400 Seventh Street SW., Washington, DC 20590. These documents are available for inspection and copying as prescribed in 49 CFR part 7, appendix D.

* * * * *

Issued on: December 28, 1994.

Rodney E. Slater,

Federal Highway Administrator

[FR Doc. 95-86 Filed 1-3-95; 8:45 am]

BILLING CODE 4910-22-P
